

**Applicant:** Bernalillo County  
Zoning, Building, Planning &  
Environmental Health Department  
111 Union Station St. SE  
Albuquerque, NM 87111

**Property Owner:** Scott Garretson  
2304 14<sup>th</sup> St.  
Rio Rancho, NM 87124

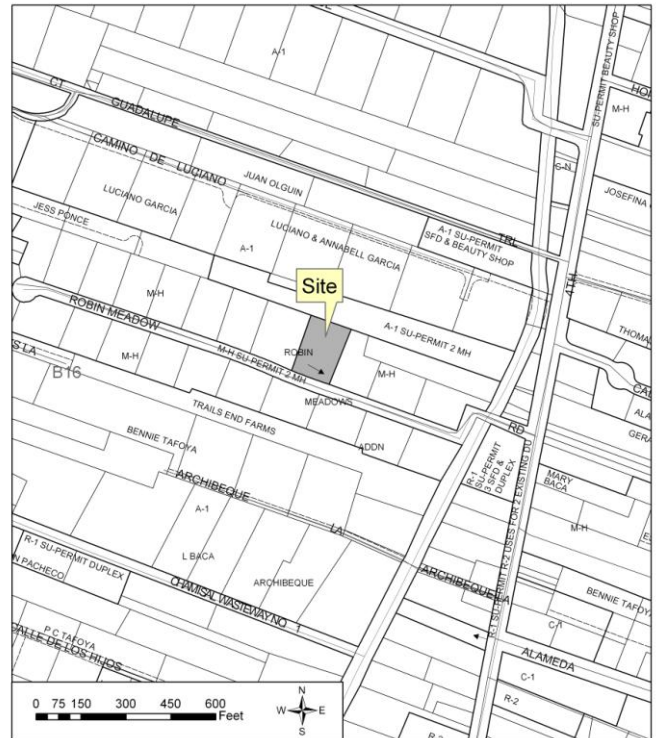
**Location:** 421 Robin Meadow Rd. NW

**Property Size:** .63 acres (approximately)

**Existing SUP:** Special Use Permit for Two  
Mobile Homes

**Zoning:** M-H

**Recommendation:** Cancellation



**Summary:** The Zoning, Building, Planning & Environmental Health Department is recommending the cancellation of an existing Special Use Permit for Two Mobile Homes (CSU-69-65) on a property located on Robin Meadow Rd., west of Fourth St. The property is currently in violation of the Special Use Permit in that additions have been made on existing structures and there is a large amount of debris on the site. Despite letters from the Zoning Enforcement Office, the property owner has neither abated the violations nor made application to amend the SUP to allow for the activities and current site configuration.

**Staff Contact:** Catherine VerEecke, Program Planner

**Attachments:**

1. Notices of Special Use Permit (1/19/70), Building Permit (1984)
2. Notices of violation (2010, 2005)
3. Notice of intent to cancel SUP (April 27, 2010)
4. Zone atlas page, land use map
5. Approved site plan (1/19/70) (Commissioners only)

CSU-69-65    Zoning, Building, Planning & Environmental Health Department requests cancellation of a Special Use Permit for Two Mobile Homes on Lot 4, Block 1, robin Meadows Addition, located at 421 Robin Meadow Road NW, zoned M-H, and containing approximately .63 acres. (B-16)

## AREA CHARACTERISTICS AND ZONING HISTORY

### Surrounding Zoning & Land Uses

	<b>Zoning</b>	<b>Land use</b>
<b>Site</b>	M-H	Mobile homes, storage buildings
<b>North</b>	M-H	Single family residential
<b>South</b>	M-H	Single family residential
<b>East</b>	M-H	Single family residential
<b>West</b>	M-H	Mobile home

## **BACKGROUND**

### **Special Use Permit History & Overview**

On January 19, 1970, the Board of County Commissioners authorized a Special Use Permit for Two Mobile Homes on a .63 acre property located on Robin Meadow Rd. about 700 feet west of Fourth St., to the north of Alameda Rd. The property is zoned M-H and currently has two mobile homes and several storage structures on it. According to the application for the Special Use Permit, the request sought to keep two mobile homes on the property—one for the applicant and one for his mother. The approved site plan, dated 1/19/70, included the two mobile homes. The Board of County Commissioners re-issued the Special Use Permit on September 4, 1973 (Attachment 1--Notices of Decision).

However, since the approval of the Special Use Permit request in the 1970s, there have been various violations of the Zoning Ordinance and the Special Use Permit, including the addition of structures on the property without permits. In 1984, building permits were granted for an existing 960 square foot storage shed in the rear of the property and two small storage structures nearby the east property line (BP-84-65) (Attachment 1). This is reflected on a revised site plan in the case file, which also included an addition on the front of one of the mobile homes. In the late 1980s, an additional storage structure was permitted on the site (ZNP 86-127), and one of the mobile homes was replaced and placed in a different location.

In 2005, staff noted that debris, inoperative vehicles and auto parts were located on the site and that the storage shed in the rear of the property appeared to have been converted into a single family dwelling (Attachment 2). Although there may have been efforts to clean up the property, the issues of the additions and of other unapproved uses on the site were not resolved.

In early 2010, letters were sent from the Zoning Administrator's office indicating that the property was not in compliance with the approved site plan (Attachment 2). In particular, the letters noted the possible commercial use or rental of the storage building and the open storage of trash/junk on the site. In addition, it was noted that additions have been made to the storage structure and to one of the mobile homes, which have never been approved as part of the Special Use Permit. Staff also noted the overall poor condition of the property. On April 27, 2010, the Zoning Administrator sent a Notice of Intent to cancel the Special Use Permit (Attachment 3). Thus far, the property owner has not responded to any of the letters.

Most recently, follow-up inspections by staff have revealed that the property remains in violation. The violations include the following: 1) additions on one of the mobile home and the large storage shed; 2) open storage of materials and debris on the site; 3) possible commercial uses on the site (e.g., contractor). Inspections by Zoning and Building staff (Code Team) found that the 960 square foot storage shed was not being used as a residence but confirmed issues with non-approved uses on the site and the need for permitting of structures on the site.

### **Subject Site & Surrounding Properties**

The property is located on Robin Meadow Rd. to the west of Fourth St. and north of Alameda Rd. It is within a residential subdivision (Robin Meadows Addition), which has M-H zoning and is developed mainly with mobile homes. The area of the site is primarily residential, although there are a few Special Use Permits in effect along Fourth St., some of which are for multiple single family dwellings (e.g., CZ-81-2, CZ-20003).

## **APPLICABLE REGULATIONS & POLICIES**

### **Comprehensive Zoning Ordinance of Bernalillo County**

#### Section 18. Special Use Permit Regulations.

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

1. Procedures for Cancellation:

(a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.

(b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.

(c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section of proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.

(d) Any violation of the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E., Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.

2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant, agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

## **ANALYSIS**

This request seeks to cancel a Special Use Permit for Two Mobile Homes on a .63 acre property located on Robin Meadow Rd. west of Fourth St. (CSU-69-65). Since the 1970s, several storage structures have been added on the property with building permits obtained after construction was complete. It appears that the property owners have, over the years, continued

to construct more additions on the existing structures without the required permits or amendments to the Special Use Permit.

Since the 1990s, additional violations have been noted by County Zoning staff, which have not been addressed. These include the following:

- 1) additions on one of the mobile homes and on the 960 square foot storage shed
- 2) a large amount of open storage of materials and debris on the site
- 3) possible commercial uses, rental of the storage building

The current property owner was notified of the on-going violations of the Special Use Permit on the property in the beginning of March 2010 but has not responded to the notices of violation or the letter from the Zoning Administrator stating the intent to cancel the Special Use Permit.

This property is zoned M-H, and this Special Use Permit has allowed an additional mobile home to be located on the property. As Special Use Permits authorize uses that are not expected or generally allowed to occur within a zone, compliance with any and all limitations is of the utmost importance. With the existing violations, the subject property negatively impacts the residential subdivision in which it is located, and no attempt has been made by the property owner to address the violations. Staff is therefore recommending cancellation of this Special Use Permit for Two Mobile Homes (CSU-69-65).

**Proposed Findings for Cancellation**

1. This is a request for the cancellation of a Special Use Permit for Two Mobile Homes on Lot 4, Block 1, Robin Meadows Addition, located at 421 Robin Meadow Road NW, zoned M-H, and containing approximately .63 acres. (B-16)
2. This matter is a result of continued violations of the Special Use Permit (CSU-69-65) and the failure to comply with the site development plan approved by the Board of County Commissioners on 1/19/70. The violations include additions on a storage shed, additions on one of the mobile homes, unapproved uses (contractor, rental of storage shed), and the open storage of materials and debris on the site.
3. On April 27, 2010 the Bernalillo Zoning Administrator notified the property owner of noncompliance with the provisions of the Special Use Permit, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County.
4. This decision removes the Special Use Permit (CSU-69-65) from the property, and reverts the zoning on the site back to the underlying zoning designation of M-H (Mobile Home).

**RECOMMENDATION:**

Cancellation of CSU-69-65.

Catherine VerEecke  
Program Planner